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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Sixth session
Budva, Montenegro, 11–13 September 2017
Item 6 (a) of the provisional agenda
Substantive issues: access to information, including electronic information tools

Draft decision VI/1 on promoting effective access to information*

Prepared by the Bureau

Summary

The present document sets out a draft decision on promoting effective access to information, prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its twentieth meeting (Geneva, 15–17 June 2016) the Working Group of the Parties requested the Bureau to prepare a draft decision on access to information to be submitted to Meeting of the Parties for consideration at its sixth session.

The Bureau prepared an initial draft decision on the basis of the relevant outcomes of the Working Group's twentieth meeting, the note by the Chair of the Task Force on

* There have been no major substantive changes made to the most recent version of the text, published as document ECE/MP.PP/WG.1/2017/L.1. The present document is therefore being submitted for publication without formal editing.

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Access to Information submitted to that meeting (AC/WGP-20/Inf.1), the outcomes of the Task Force's work in the intersessional period and the previous decision of the Meeting of the Parties on the same subject (decision V/1). As agreed, the draft decision was then distributed to Parties and stakeholders on 27 September 2016 for comments by 7 November 2016.

The Bureau considered the comments received and prepared the revised version of the draft decision for further consideration and approval by the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017).

At its twenty-first meeting the Working Group revised and approved, as amended at the meeting, the draft decision on promoting effective access to information (AC/WGP-21/CRP.1)[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

[1] Available from http://www.unece.org/index.php?id=43897#/.

The Meeting of the Parties,

Recalling the provisions of articles 4 and 5 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Further recalling its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism, decisions IV/1 and V/1 on access to information, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Recognizing that effective public access to environmental information is critical for the successful implementation of a number of Sustainable Development Goals and for supporting the work on a data revolution,[2] and is specifically targeted by Sustainable Development Goal 16 (target 10),

Also recognizing the need to ensure that modern information and communication electronic tools should be fully employed so as to safeguard effective implementation of the information pillar of the Convention,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Information to date have collectively shown that challenges remain with regard to the full implementation of the information pillar of the Convention across the region, and also to making information fully publicly accessible in a transparent and effective way,

Noting the cross-cutting nature and wide scope of environmental information and its linkages with geospatial, statistical, hydrometeorological, health, Earth observation and other relevant information,

Having reviewed the reports of the Task Force on Access to Information submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2015/3, ECE/MP.PP/WG.1/2016/3 and ECE/MP.PP/WG.1/2017/4),

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Information and expresses its gratitude to the Republic of Moldova for its leadership of the Task Force;

2. *Welcomes* initiatives by Parties, signatories, partner organizations and other stakeholders to widen and improve public accessibility of environmental information, including through electronic information tools and e-government,[3] open government data,[4] the Shared Environmental Information System in the pan-European region and other similar initiatives;

3. *Also welcomes* initiatives by Parties, signatories, partner organizations, and other stakeholders to create single web access points, conceived to be user-friendly, that aggregate data and information resulting from different reliable sources;

4. *Invites* Parties, signatories, partner organizations and other stakeholders to continue strengthening implementation of the information pillar of the Convention at the national level, in particular public access to information regarding the quality of the

[2] For more information, please see: http://www.undatarevolution.org/

[3] E-government initiatives encompass activities of the public authorities to deploy information and communication technologies for improving knowledge and information in the service of the public.

[4] Open government data initiatives encompass activities to make information or data produced or commissioned by governments available for everyone to access, reuse and redistribute without any restrictions.

environment and emissions into the environment in accordance with the Convention, hazardous substances and wastes, environment-related product information and decision-making in environmental matters;

5. *Also invites* Parties, signatories, partner organizations and other stakeholders to take necessary measures to ensure public access to real-time, as appropriate, up-to-date, accurate and functional environmental information, and to promote its interoperability, sharing and accessibility in forms and formats meeting the needs of different users;

6. *Urges* Parties to ensure that the scope of environmental information is interpreted broadly in line with the requirements of the Convention when executive regulations, legislative and policy documents relating to access to environmental information are prepared, and in the process of taking decisions on the disclosure of such information, and to engage the relevant environmental expertise in these processes for this purpose;

7. *Invites* Parties and signatories to keep under continuous review the application of the exceptions in disclosure of environmental information and to take, as appropriate, necessary measures to establish a clear and predictable legal framework to ensure the legitimate application of these exceptions and the disclosure of information on emissions in accordance with the Convention;

8. *Calls* on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to continue sharing good practices, case studies, project outcomes and other useful material through the Aarhus Clearinghouse and online databases, and to support the development of national nodes;

9. *Also calls* on Parties, signatories, partner organizations and other stakeholders to promote the wider use of modern electronic information tools as an effective instrument for putting into practice the Convention's provisions, including through public-private partnerships;[5]

10. *Reiterates* the important role of Aarhus Centres, the media, public libraries and other information sites in facilitating public access to environmental information and calls on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to support their relevant activities;

11. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group of the Parties to the Convention;

12. *Welcomes* the offer of the Republic of Moldova to lead the Task Force on Access to Information;

13. *Requests* the Task Force on Access to Information, subject to the availability of resources, to promote the exchange of information, case studies and good practices, and to discuss possible further developments and the strengthening of public access to environmental information, with special attention to:

(a) Effective protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention;

(b) Active dissemination of environmental information:

(i) With the focus on the update of the recommendations set out in decision II/3, taking into account the developments in the Shared Environmental Information System, geospatial information management, Earth observation data, e-Government,

[5] A public-private partnership is a scheme that involves cooperation between the public and the private sector aiming at financing, designing, implementing and operating public sector infrastructure and services supporting the implementation of the Convention.

open government data, reuse of public sector information and other relevant initiatives across the region and recent technical developments;

(ii) Along with the provision of all necessary information to the public in case of an imminent threat to human health and the environment;

(iii) Focusing on the use of modern technologies by the public for assembling, exchanging and using environmental data and information;

(c) Public access to environmental information of particular types with a specific focus on:

(i) Access to environment-related product information;

(ii) Access to information with respect to genetically modified organisms;

(iii) Access to information on emissions into the environment;

(iv) Access to information in environmental decision-making procedures;

(d) Further population of the Aarhus Clearinghouse for Environmental Democracy;

(e) Application of restrictions on access to environmental information in accordance with the Convention, specifically including internal communication within the public administration in order to have a better awareness of specific competences and facilitate public access to required information;

14. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention's activities on access to information, support relevant capacity-building activities at all levels and to allocate resources for this matter as far as possible;

15. *Entrusts* the secretariat, subject to the availability of resources, to participate in and implement, as appropriate, capacity-building activities, including workshops and trainings; to contribute to relevant initiatives under other forums; and to promote electronic information tools in the region and beyond through the maintenance and further development of the Aarhus Clearinghouse, media tools and online databases (e.g., the jurisprudence database, national implementation reports and the Aarhus Good Practice database);

16. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public access to environmental information during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences in the subject matters that deserve particular attention.